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February 11, 2020

Via ECF

Honorable Sanket J. Bulsara
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Benitez v. The City of New York, et al.
17-CV-3827 (SJ) (SJB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and assigned to represent Defendants in the above-referenced matter. Defendants write, on behalf of all parties, to (1) request permission to extend the scheduling order so that the depositions of ADA Pomodore and former DA Ryan occur in March 2020; and, (2) request that James Quinn be incorporated into the current stipulation regarding Monell discovery, subject to the below specifications.

By way of background, the parties attended a status conference before Your Honor on January 16, 2020 to resolve multiple pending issues before the Court. At that conference, Your Honor ordered that all phase 1 depositions occur by the end of February. Due to scheduling conflicts, the former DA, Jack Ryan, is not available to complete his phase 1 deposition until March 2020. The parties have scheduled his deposition to occur on March 6, 2020, subject to the result of this application. Moreover, ADA Pomodore is not available for a deposition until March 2020 as well. The parties have scheduled her deposition for March 16, 2020, subject to the result of this application. In addition, Your Honor requested additional briefing on plaintiff's request for materials related to the Bedi case. The parties are awaiting a decision from the Court on that outstanding dispute that may impact the deposition of ADA Pomodore, who was involved in the Bedi case, and possibly the deposition of Mr. Ryan. Accordingly, the parties respectfully request that the Court permit the completion of former DA Ryan and ADA Pomodore's depositions in March 2020.

Additionally, defendants agreed to the deposition of James Quinn, despite plaintiff exceeding the allotted ten depositions, and agreed to include Mr. Quinn in the current stipulation regarding Monell discovery. Accordingly, the parties request that the Court amend the current Monell discovery stipulation endorsed by the Court on November 6, 2019 to include James Quinn, pursuant to the following terms:

- All terms in the stipulation will be equally applicable to James Quinn; and,
- James Quinn's overall time-limit for deposition questioning will be 14 hours, with no day taking longer than 7 hours.

Defendants thank the Court for its consideration herein.

Thank you,

/s/

Richard Bahrenburg
Assistant Corporation Counsel

CC: All Counsel